

SCOTT N. SCHOOLS
Acting United States Attorney

CHARLES M. O'CONNER (CA State Bar No. 56320)
Assistant United States Attorney
450 Golden Gate Ave., 10th Floor
San Francisco, California 94102
Tel: (415) 436-7180

MATTHEW J. MCKEOWN
Acting Assistant Attorney General
Environment and Natural Resources Division

LILY N. CHINN (CA State Bar No. 203173)
Trial Attorney
U.S. Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986
Tel: (202) 514-0135
Fax: (202) 514-8865
Email: lily.chinn@usdoj.gov

ATTORNEYS FOR DEFENDANTS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BAYKEEPER, HUMBOLDT
BAYKEEPER, ECOLOGICAL RIGHTS
FOUNDATION, and COMMUNITIES FOR
A BETTER ENVIRONMENT,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, STEPHEN L.
JOHNSON, as Administrator of the United
States Environmental Protection Agency,
WAYNE NASTRI, as Regional
Administrator of the United States
Environmental Protection Agency, Region 9,

Defendants.

Case No. C 06-5611 CRB

JOINT STIPULATION

1 Plaintiffs Baykeeper, Humboldt Baykeeper, Ecological Rights Foundation, and
2 Communities for a Better Environment and Defendants Stephen L. Johnson, Administrator of the
3 United States Environmental Protection Agency; and Wayne Nastri, Regional Administrator,
4 EPA Region IX, and the United States Environmental Protection Agency (collectively "EPA")
5 hereby file this joint stipulation:

6 WHEREAS, pursuant to stipulation of the Parties, the Court by Order dated December 6,
7 2006 established a briefing schedule on the Plaintiffs' currently pending Motion for Summary
8 Judgment, Defendants' currently pending Counter-Motion for Summary Judgment, and
9 Plaintiffs' to be filed Motion for Leave to File a Second Amended Complaint.

10 WHEREAS, pursuant to stipulation of the Parties, the Court by Order dated January 9,
11 2007 stayed all further litigation until March 16, 2007 and vacated all pending deadlines in this
12 case to allow time for settlement discussions.

13 WHEREAS, the parties have been engaged in active settlement discussion since last fall.
14 The parties have exchanged several versions of written settlement proposals and met in person on
15 October 19, 2006 and again on December 14, 2006 to discuss settlement of this case.

16 WHEREAS, the parties attended a mediation on March 22, 2007 to further discuss the
17 possibility of settlement as part this Court's required ADR mediation process and made
18 significant progress towards settlement of this case.

19 WHEREAS, the parties request that this case be stayed an additional 30 days to allow the
20 parties to complete settlement negotiations and obtain all necessary approvals.

21 NOW, THEREFORE, the parties have agreed and request that the Court issue an order as
22 follows:

23 1. This stipulation shall serve in lieu of the status report referred to in this Court's
24 March 20, 2007 order;

25 2. All further litigation in this case is stayed until May 11, 2007.

26 3. The parties shall submit a joint status report no later than May 14, 2007 informing
27 the Court as to the progress of settlement discussions and recommendations regarding how this
28 case should proceed.

Respectfully submitted,

Dated: April 11, 2007

FOR PLAINTIFFS:

/s/ Christopher Sproul^{1/}
CHRISTOPHER SPROUL
Environmental Advocates
5135 Anza Street
San Francisco, CA 94121

FOR DEFENDANTS:

SCOTT N. SCHOOLS
Acting United States Attorney

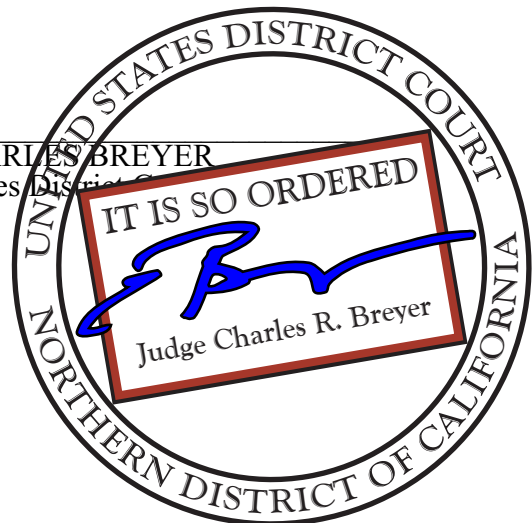
MATTHEW J. MCKEOWN
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Lily N. Chinn
LILY N. CHINN
Trial Attorney
United States Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986

It is so ordered.

DATED: April 13, 2007

HON. CHARLES BREYER
United States District Court



^{1/} As the filing attorney, I, Christopher Sproul, attest that Defendants' attorney, Lily Chinn, finds the contents of this filed document acceptable and has given me permission to electronically file this stipulated motion on her behalf.